

App'x 7

1 posttraumatic stress disorder, but by this time, with  
2 treatment, his functioning in other domains was good.

3 Q. I will represent to you that the other day plaintiff  
4 testified that he had a fairly frequent incidence of symptoms.  
5 Is that inconsistent with your prognosis?

6 A. Are you speaking about posttraumatic stress symptoms?

7 Q. Yes.

8 A. Posttraumatic stress disorder?

9 Q. Yes.

10 A. No, it would not be. With posttraumatic stress disorder,  
11 often the stress is what we call cued. So when somebody is  
12 forced to, you know, think about traumatic events, talk about  
13 traumatic events, certainly the experience of testifying and  
14 having to be in court is highly stressful, most individuals  
15 with posttraumatic stress disorder as they are prepping for  
16 court, as they are having to review and rehash, you are going  
17 to see a marked increase in symptoms with. That would be  
18 expected. As a therapist, when I am working with someone, part  
19 of my job is to prepare them for that, that going for trial is  
20 incredibly stressful for anyone. So that would not surprise  
21 me.

22 As I said, when he has to deal with things involving  
23 the railroad and police, his symptoms are likely to increase.  
24 When that's not happening, I would expect that his functioning  
25 in those other domains would revert back to normal, good

1 functioning, the way it was when I evaluated him.

2 Q. A few minutes ago you used the word "intermittent." Is  
3 that sort of the definition of how intermittent --

4 A. Intermittent -- with posttraumatic stress disorder and,  
5 frankly, pretty much any psychological disorder, you are going  
6 to see over the course of time -- if somebody has a chronic  
7 illness, even a medical illness, you are going to see where  
8 there are going to be times where there are symptoms, perhaps  
9 they are going to be more intense, times when they are less  
10 intense, times when perhaps they remit and they go away  
11 entirely. So it is kind of this waxing and waning.

12 So intermittent means that you are not experiencing  
13 the symptoms all the time every day, but around certain sets of  
14 circumstances at certain times. So that's what I mean by  
15 intermittent. And I would expect that, you know, in the months  
16 preceding these court hearings, you would see an increase in  
17 symptoms and an increase in their frequency.

18 Q. Now, what seems like quite a while ago now you discussed  
19 that the consideration is the person experienced the event as a  
20 threat. Is it possible based on your experience, especially as  
21 a clinician, that someone would be experiencing PTSD even after  
22 a lawful arrest?

23 A. Absolutely.

24 Q. And why is that?

25 A. Because a person can experience --

N412Mor4

1 (In open court)

2 THE COURT: Go ahead.

3 MS. CYR: Your Honor, at this time defendants would  
4 add the following be entered into evidence:

5 First, although we have identified --

6 JUROR: The monitor is on. We are seeing e-mails.

7 MS. CYR: Oh geez.

8 We would like to introduce the entirety of Exhibit M,  
9 which is the Metro-North security camera video clips as they  
10 are in a different order than plaintiff's.

11 Second, we would move to admit Exhibit Q, the report  
12 of expert economist Josefina Tranfa-Abboud, dated March 9,  
13 2020, and we would move to have admitted into evidence  
14 Exhibit R, the supplemental report of expert economist Josefina  
15 Tranfa-Abboud, dated August 18, 2020 -- 2021, excuse me.

16 THE COURT: Any objection?

17 MR. CAHILL: No objection, your Honor.

18 MR. PERRY: There are redactions, according to the  
19 Court's prior ruling, that will be addressed.

20 THE COURT: All of those items are admitted.

21 (Defendant's Exhibits M, Q, R received in evidence)

22 MS. CYR: Thank you, your Honor.

23 THE COURT: Does the defense rest?

24 MR. EFRON: The defense rests.

25 THE COURT: Members of the jury, both sides have

N4o2MorT

Charge

1           Now, your role in judging credibility applies to  
2 experts as well as to other witnesses. You should consider the  
3 expert opinions which were received in evidence in this case  
4 and give them as much or as little weight as you think they  
5 deserve. If you should decide that the opinion of an expert  
6 was not based on sufficient education or experience or on  
7 sufficient data, or if you should conclude that the  
8 trustworthiness or credibility of an expert is questionable for  
9 any reason, or if the opinion of the expert was outweighed, in  
10 your judgment, by other evidence in the case, then you may  
11 disregard the opinion of the expert entirely or in part.

12           On the other hand, if you find the opinion of an  
13 expert is based on sufficient data, education and experience,  
14 and the other evidence does not give you reason to doubt his or  
15 her conclusions, you would be justified in placing reliance on  
16 his or her testimony.

17           Before you retire to deliberate, there are a few more  
18 areas I need to instruct you on.

19           Deliberations must take place in the jury room with  
20 all jurors present. If any juror leaves the room, say, for a  
21 bathroom break, all deliberations must stop, and may resume  
22 only when every juror is present.

23           In order to return a verdict, each juror must agree to  
24 such verdict. You have the duty as jurors to consult with one  
25 another and to deliberate with a view to reaching an agreement,